

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

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4 In the Matter of:

5  
6 SECURITIES INVESTOR PROTECTION CORP, Adv. No. 08-01789 (SMB)

7 Plaintiff,

8 v.

9 BERNARD L. MADOFF INVESTMENT SEC.,

10 Defendant.

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12  
13 U.S. Bankruptcy Court

14 One Bowling Green

15 New York, NY 10004

16  
17 October 26, 2016

18 10:06 AM

19  
20 B E F O R E :

21 HON STUART M. BERNSTEIN

22 U.S. BANKRUPTCY JUDGE

Hearing re: Motion to approve trustee's motion and  
memorandum of law to affirm his determinations denying  
claims of claimants holding interests in AHT Partners,  
Pergament Equities LLC, SMT Investors LLC, Greene/Lederman,  
LLC and Turbo Investors LLC

Transcribed by: Jamie Gallagher

1 A P P E A R A N C E S :

2 BAKER HOSTETLER LLP

3 Attorney for the Trustee

4 45 Rockefeller Plaza

5 New York, NY 10111

6

7 BY: AMY E. VANDERWAL, ESQ.

8

9 SECURITIES INVESTOR PROTECTION CORPORATION

10 General Counsel

11 1667 K Street, N.W.

12 Suite 1000

13 Washington, DC 20006

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15 BY: KEVIN BELL, ESQ.

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1 P R O C E E D I N G S

2 THE COURT: Madoff.

3 MS. VANDERWAL: Good morning, Your Honor.

4 THE COURT: Good morning.

5 MS. VANDERWAL: Amy Vanderwal for the Madoff  
6 Trustee.

7 We're here today on the trustee's motion to affirm  
8 the determination of 20 claims which were filed by claimants  
9 to invested in five limited liability companies registered  
10 in Delaware, Florida, and Virginia. The objecting claimants  
11 invested money in these LLCs. They did not invest directly  
12 with BLMIS. They did not entrust their own assets to BLMIS  
13 for the purposes of trading and securities.

14 So the denial of these claims is consistent with  
15 many prior decisions of this Court, as well as Cruise and  
16 Morgan Kennedy in the Second Circuit. No objections were  
17 received. So pending any questions, we respectfully request  
18 that the motion be granted.

19 THE COURT: Okay. Does anyone else want to be  
20 heard in connection with this application?

21 MR. BELL: SIPC supports the trustee's motion,  
22 Your Honor.

23 THE COURT: All right. I will grant the motion  
24 since these claimants didn't entrust any money to Madoff.  
25 They entrusted it to funds and, I guess, pension plans also

1 that invested with Madoff, so they're not customers entitled  
2 to relief under SIPA. You can submit an order. Off the  
3 record, did you come up just for this?

4 MR. BELL: Your Honor, we made an appearance by  
5 filing a memorandum and Mr. Kelly was supposed to come, but  
6 his wife is due any minute. So --

7 THE COURT: All right. I mean, the reason I have  
8 these, there are a lot of individuals and you never know  
9 when an individual is going to show up.

10 MR. BELL: Well, the next one I think that we just  
11 filed has some pro se's so --

12 THE COURT: Well, there are a lot of -- I looked  
13 at the list. There are always individuals involved in this.

14 MR. BELL: There are other things I will do when  
15 I'm here so, thank you, Your Honor.

16 THE COURT: All right. Good.

17 MS. VANDERWAL: Thank you, Your Honor.

18 THE COURT: All right. So you can submit an  
19 order.

20 MS. VANDERWAL: I'll do that. Thanks.

21 MR. BELL: Thank you, Your Honor.

22 (Whereupon these proceedings were concluded at 10:08  
23 AM)

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I N D E X

RULINGS

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claimants holding interests in AHT Partners,  
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Greene/Lederman, LLC and Turbo Investors LLC

C E R T I F I C A T I O N

I, Jamie Gallagher, certify that the foregoing transcript is  
a true and accurate record of the proceedings.

Jamie  
Gallagher

Digitally signed by Jamie Gallagher  
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Jamie Gallagher

Date: October 28, 2016

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